

Derek W. Loeser (admitted *pro hac vice*)  
KELLER ROHRBACK L.L.P.  
1201 Third Avenue, Suite 3200  
Seattle, WA 98101  
Tel.: (206) 623-1900  
Fax: (206) 623-3384  
dloeser@kellerrohrback.com

Lesley E. Weaver (SBN 191305)  
BLEICHMAR FONTI & AULD LLP  
555 12th Street, Suite 1600  
Oakland, CA 94607  
Tel.: (415) 445-4003  
Fax: (415) 445-4020  
lweaver@bfalaw.com

*Plaintiffs' Co-Lead Counsel*

*[Additional counsel listed on signature page]*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

IN RE: FACEBOOK, INC. CONSUMER  
PRIVACY USER PROFILE LITIGATION

MDL No. 2843  
Case No. 18-md-02843-VC

This document relates to:

ALL ACTIONS

**PLAINTIFFS' OPPOSITION TO  
FACEBOOK, INC.'S ADMINISTRATIVE  
MOTION TO ADDRESS NEW  
REQUESTS FOR PRODUCTION OF  
FINANCIAL DOCUMENTS**

Judge: Hon. Vince Chhabra  
Special Master Daniel Garrie  
Courtroom: 4, 17th Floor

Plaintiffs oppose Facebook, Inc.’s Administrative Motion to Address New Requests for Production of Financial Documents (the “Admin. Motion”), in which Facebook requests an extension to its deadline to produce financial documents until July 22, 2022. The Court ordered Facebook to complete production of financial documents by July 1, 2022 (ECF 941). Plaintiffs do not accede to Facebook’s continued inability to meet the Court’s deadlines. Facebook has not established good cause for the extension, and its request for one should be denied.

Facebook claims it needs extra time because Plaintiffs have requested “new” information; namely, documents showing the revenue Facebook received from third parties whose access to data was limited as part of the ADI process and reflecting revenues associated with third parties who were whitelisted. Admin. Motion at 1. These are not new requests. In fact, Facebook recently sent a letter stating its view that the requests it labels as new in the Admin. Motion are actually “already adequately covered” by other collections it is undertaking to review and produce. *See* Declaration of Anne K. Davis (“A. Davis Decl.”) ¶ 6, Ex. C. Facebook demanded that Plaintiffs explain why the ADI request was not “covered by Facebook’s ongoing search for, and production of, ADI-related materials.” *Id.* Facebook further claimed that “documents relating to Facebook’s analysis of the revenue impacts of ‘any changes’ implemented after Cambridge Analytica’s activities” would be “fully covered by Facebook’s prior document production, which used several Cambridge Analytica-related search strings to identify potentially responsive documents.” *Id.* It is troubling that Facebook bases its request for administrative relief on an assertion that Facebook itself contradicted in a letter it sent to Plaintiffs just a few weeks ago, in which it acknowledges that the very same requests are not new and asserts that they are covered by other productions.

Plaintiffs have long sought information about the revenues associated with user data.<sup>1</sup> More specifically, Plaintiffs sent a February 25, 2022 letter following a mediation in which Facebook agreed to search for and produce specific categories of financial documents. This letter confirmed that Plaintiffs sought evidence of, and Facebook would produce documents regarding the financial

---

<sup>1</sup> Plaintiffs outlined the history of this more than 2.5-year-old dispute in Plaintiffs’ Motion for Sanctions. *See* ECF 877 at 9-10, Section II.B.

impact of, among other things, “deprecating friends and read permissions, and the impact of whitelisting apps and partners,” “limiting . . . access to user data,” and “third parties accessing or using FB user content and information that violate FB platform policies.” A. Davis Decl. ¶¶ 3-4, Ex. A. That Plaintiffs requested this information again on May 26, 2022 and June 15, 2022 does not make the request new. *See* A. Davis Decl. ¶ 5, Ex. B; Admin. Motion at 1. Rather, each reiteration indicates that the prior requests went unfulfilled. Furthermore, Facebook’s specific assertion that Plaintiffs had not, before June 16, 2022, sought information “showing the revenue Facebook received from all third parties whose access to data was limited as part of the ADI process” and “documents reflecting revenues associated with third parties who were whitelisted” is false. Admin. Motion at 2. In addition to repeatedly requesting this information as set forth above, Plaintiffs called out this *specific* information on May 26, 2022, not one day after the parties’ meet and confer on this issue on June 15. *See* A. Davis Decl. ¶ 5, Ex. B; Declaration of Colin B. Davis ¶ 3.

Finally, Plaintiffs note that, due to the timing of its Administrative Motion, Facebook has provided itself a *de facto* extension of the Court-imposed deadline. Facebook had ample time to seek an extension of the July 1 deadline before first reaching out to Plaintiffs at the eleventh hour on June 29 and then filing its request on June 30. Unfortunately, this is only the latest example of Facebook’s failure to meet Court-imposed discovery deadlines in this case.

Though Plaintiffs oppose Facebook’s request to extend its production deadline, they still want the documents at issue—even though Facebook did not produce them by July 1. Plaintiffs will address Facebook’s failure to meet its deadlines in a supplemental brief in support of their motion for sanctions, and reserve the right to seek monetary and/or issue sanctions that arise from Facebook’s violation of the Court’s order. Of course, the Court, may in its discretion award such other relief it deems necessary at this time to obtain Facebook’s compliance with its orders.

Dated: July 5, 2022

Respectfully submitted,

KELLER ROHRBACK L.L.P.

BLEICHMAR FONTI & AULD LLP

By: /s/ Derek W. Loeser  
Derek W. Loeser

By: /s/ Lesley E. Weaver  
Lesley E. Weaver

Derek W. Loeser (admitted *pro hac vice*)  
Cari Campen Laufenberg (admitted *pro hac vice*)  
David Ko (admitted *pro hac vice*)  
Adele A. Daniel (admitted *pro hac vice*)  
Benjamin Gould (SBN 250630)  
1201 Third Avenue, Suite 3200  
Seattle, WA 98101  
Tel.: (206) 623-1900  
Fax: (206) 623-3384  
dloeser@kellerrohrback.com  
claufenberg@kellerrohrback.com  
dko@kellerrohrback.com  
adaniel@kellerrohrback.com  
bgould@kellerrohrback.com

Lesley E. Weaver (SBN 191305)  
Anne K. Davis (SBN 267909)  
Matthew S. Melamed (SBN 260272)  
Angelica M. Ornelas (SBN 285929)  
Joshua D. Samra (SBN 313050)  
555 12th Street, Suite 1600  
Oakland, CA 94607  
Tel.: (415) 445-4003  
Fax: (415) 445-4020  
lweaver@bfalaw.com  
adavis@bfalaw.com  
mmelamed@bfalaw.com  
aornelas@bfalaw.com  
jsamra@bfalaw.com

Christopher Springer (SBN 291180)  
801 Garden Street, Suite 301  
Santa Barbara, CA 93101  
Tel.: (805) 456-1496  
Fax: (805) 456-1497  
cspringer@kellerrohrback.com

Eric Fierro (admitted *pro hac vice*)  
3101 North Central Avenue, Suite 1400  
Phoenix, AZ 85012  
Tel: (602) 248-0088  
Fax: (602) 248-2822  
efierro@kellerrohrback.com

*Plaintiffs' Co-Lead Counsel*

**ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(h)(3)**

I, Anne K. Davis, attest that concurrence in the filing of this document has been obtained from the signatories. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 5th day of July 2022, in Pacifica, California.

/s/ Anne K. Davis  
Anne K. Davis